

HOUSE No. 362

The Commonwealth of Massachusetts

PRESENTED BY:

Susannah M. Whipps

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing additional consumer protections in the repair of damaged motor vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>

HOUSE No. 362

By Ms. Whipps of Athol, a petition (accompanied by bill, House, No. 362) of Susannah M. Whipps and others relative to providing additional consumer protections in the repair of damaged motor vehicles. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act providing additional consumer protections in the repair of damaged motor vehicles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws is hereby amended by striking out section 34R and
2 inserting in place thereof the following section:-

3 Section 34R. (a) Whenever repairs are necessary to the visible exterior sheet metal
4 or plastic parts of a damaged motor vehicle, any insurer or repairer preparing a written estimate
5 of the cost of such repairs shall clearly identify in such estimate each major generic crash part to
6 be used which is not manufactured or supplied by the original manufacturer of the motor vehicle.

7 For the purposes of this section, "crash parts" shall mean motor vehicle parts of
8 sheet metal or plastic that constitute the visible exterior of the vehicle, including inner and outer
9 panels, which are to be repaired or replaced as the result of a collision.

10 For the purposes of this section, "generic crash parts" shall mean motor vehicle
11 parts of sheet metal or plastic that constitute the visible exterior of the vehicle, including inner

12 and outer panels, which are to be repaired or replaced as the result of a collision and which are
13 not manufactured by the original manufacturer of the motor vehicle.

14 (b) A notification shall be attached to, or included in, the estimate and shall
15 contain the following information in no smaller than ten point type:

16 THIS REPAIR ESTIMATE HAS BEEN PREPARED IN PART BASED ON THE
17 USE OF CRASH PARTS SUPPLIED BY THE MANUFACTURER OF YOUR VEHICLE OR
18 ON GENERIC CRASH PARTS SUPPLIED BY AN INDEPENDENT MANUFACTURER.
19 ALL GENERIC CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE
20 WARRANTED BY YOUR INSURER AND THE MANUFACTURER AND/OR
21 DISTRIBUTOR OF SUCH PARTS.

22 (c) The insurer or repairer, as the case may be, shall give a copy of such estimate
23 and such notice to the person for whom the estimate is prepared.

24 (d) The repairer shall, on the customer's repair order or repair certification form,
25 identify by name the manufacturer or supplier of any non-original manufacturer crash parts used
26 in making the actual repairs.

27 (e) All crash parts, both original equipment manufacturer parts and generic crash
28 parts, manufactured after January 1, 2010 shall carry sufficient permanent identification so as to
29 identify its manufacturer. Such identification shall be accessible to the extent possible after
30 installation.

31